

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

10 GENENTECH, INC.,) Case No.: 10-CV-02037-LHK
11 Plaintiff,)
12 v.)
13 THE TRUSTEES OF THE UNIVERSITY OF)
14 PENNSYLVANIA, a Pennsylvania non-profit)
corporation,)
15 Defendant.)
16

ORDER REQUESTING REFERENCE

17 At the claim construction hearing on April 4, 2011, both parties referred to the Lodato
18 reference (Lodato, R.F., et al., *Immunohistochemical Evaluation of c-er B-2 Oncogene Expression*
19 *in Ductal Carcinoma in Situ and Atypical Ductal Hyperplasia of the Breast*," 3(4) Modern
20 *Pathology* 449 (1990). This reference is cited on the face of U.S. Patent No. 6,733,752. The Court
21 has been unable to locate a copy of this reference in the claim construction materials submitted.
22 The Court requests that the parties indicate where this reference may be found in the record before
23 the Court, or submit a copy of the reference, by no later than 10 a.m. tomorrow, May 6, 2011. A
24 response by either party will suffice.

25 **IT IS SO ORDERED.**

26 Dated: May 5, 2011


27 LUCY H. KOH
28 United States District Judge